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GSA ORDER

PBS 7000.11

June 2, 1972

SUBJECT: Availability of low- and moderate-income housing--DHUD/GSA
Memorandum of Understanding of June 12, 1971

1. Purpose. This order provides procedures for implementing the memorandum agreement between the Department of Housing and Urban Development (HUD) and the General Services Administration (GSA).
2. Background. Executive Order 11512 of February 27, 1970, provides guidance for the planning, acquisition and management of Federal space. Executive Order No. 11512 supersedes Executive Order No. 11035 of July 9, 1962.
3. Agreement with Secretary of Housing and Urban Development. In further implementation of Sections 2(a) (2) and 2(a) (6) of Executive Order 11512, the Administrator, General Services Administration, entered into an agreement with the Secretary of Housing and Urban Development (HUD) to utilize the Department of Housing and Urban Development (HUD) to investigate, determine, and report findings to GSA on the availability of low and moderate income housing on a nondiscriminatory basis with respect to site selections and major lease actions having a significant socioeconomic impact on a community. Under the agreement HUD will advise GSA on the availability of low and moderate income housing in connection with locating Federal facilities. HUD will also advise GSA and other Federal agencies with respect to actions which would increase the availability of low and moderate income housing on a nondiscriminatory basis, as well as to assist in increasing the availability of such housing through its own programs. The text of the Agreement is included in Figure 1.
4. Definitions.
 - a. Low- and moderate-income. Equal to or less than the median family income established by HUD for the housing market area under consideration. In the case of General Salary Schedule employees: "low- and moderate-income" is inclusive of all grade levels from GS-1 through that grade level the midpoint of which is nearest to the dollar figure of the median family income for the area.
 - b. Regional Director, PBS. References to the Regional Director, PBS shall be construed to mean, also, the Assistant Commissioner for Operating Programs for all actions to acquire space in the states of Pennsylvania, Maryland, Delaware, Virginia, West Virginia, and the District of Columbia.

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Obtaining Socioeconomic Data.

a. The Regional Director, PBS, is responsible for obtaining data and advice from the regional offices of the Department of Housing and Urban Development; Health, Education and Welfare; Commerce, and others, as appropriate.

b. GSA regional requests for consultation, advice or reports shall be in writing and shall request a reply in writing. Requests to HUD shall be directed to the Regional Administrator, HUD.

6. Classifications for actions to which HUD-GSA Memorandum of Understanding Applies. The actions described in this paragraph are subject to the provisions of the HUD-GSA Memorandum of Understanding and the procedures which follow.

a. All project development investigations.

b. Site selections for public buildings (or leased space in buildings to be erected by the lessor) in which 100 or more low- or moderate-income employees are expected to be employed in the new building.

c. Lease actions (other than those included in b.) where:

(1) *100 or more low- or moderate income employees are expected to* be employed in the space to be leased; and

(2) The lease involves residential relocation of a majority of the existing low- and moderate-income work-force; a significant increase in their transportation or parking costs; or travel time to the new location will exceed 45 minutes, or a 20% increase if travel time to the present facility already exceeds an average of 45 minutes.

d. GSA requests HUD review in lease actions of special importance not covered by (b) and (c).

7. Project development investigation.

a. Prior to undertaking project development surveys for the purpose of identifying specific needs for Federal or lease construction or major alteration for housing Federal activities, the Regional Director, PBS, will inform the Regional Administrator, HUD, of the initiation of a project development investigation and the areas being surveyed and request information relating to present and planned availability of low- and moderate-income housing on a nondiscriminatory basis in the area where such a project

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might be located. This data will constitute the basic information concerning housing considerations at this stage of project planning. The HUD Regional Administrator will develop and transmit to the Regional Director, PBS, a report on the survey area which includes the following information:

(1) Summary information on general type, location, cost, and vacancy rates for all housing in the survey area. Recent FHA market analyses are acceptable for this purpose.

(2) A listing, by location, of all HUD subsidized housing in the survey area. The racial occupancy of such housing and its vacancy rate should be included. (Use data from HUD Forms 9801 and 51235).

(3) An estimate, by location, of all other low- and moderate-income housing in the survey area which would meet the standards for relocation housing contained in the HUD Relocation Handbook (1371.1) Chaps. 2 and 4. The racial occupancy of such housing, or the neighborhood in which it is located, should be included, as well as vacancy rates.

(4) A listing, by location, of all subsidized housing planned within the survey area for the 1 year period following the survey.

(5) A listing of competing displacement needs for the subsidized housing planned in (4).

(6) A delineation of the geographic boundaries of all urban renewal, neighborhood development project, code enforcement, and model cities areas.

(7) A delineation of those sub-areas within the survey area which appear accessible to a supply of low- and moderate-income housing on a nondiscriminatory basis, and those which do not so appear.

(8) A determination of the extent of discrimination in the sale and rental of housing.

b. The PFS regional Operational Planning staff will prepare the Project Development Report which will delineate the general area or areas for the project. The Regional Administrator of HUD will be advised at the earliest possible time with respect to such decision.

c. The Office of Operational Planning shall be responsible for providing to the Headquarters office of HUD copies of all prospectuses approved by the Public Works Committees of the Congress.

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8. Site investigation and selection for new construction.

a. Upon receipt of a site investigation directive, the Regional Director, PBS, shall initiate necessary actions in accordance with other PBS directives. The site investigation directive will delineate the area or areas in which the proposed project will be located. The Regional Director, PBS, is required to provide advance notice of the site investigation to State and local governments, clearinghouses, and local elected officials. At the same time, the Regional Administrator, HUD, in whose region the facility is to be located will be informed of the planned site investigation, will be provided with a copy of the site investigation directive, and will be requested to designate an appropriate HUD official to participate in the site investigation work. The HUD representative will be required to survey, determine, and furnish GSA with a written report on availability of low- and moderate-income housing on a non-discriminatory basis and the accessibility of such housing to the delineated area(s) in which the proposed building will be located. The Regional Director, PBS, will transmit to the HUD Regional Administrator in whose region the facility is to be located the following information:

(1) The number of low- and moderate-income jobs anticipated at new or relocated facilities when fully staffed.

(2) The delineated area within which specific sites will be considered or the sites under consideration.

b. The HUD Regional Administrator, within a time period mutually agreed upon with the Regional Director, PBS, will:

(1) Upon the existence of a current General Area Survey (See 7a) (completed within the preceding twelve months):

(a) Review the delineated areas against affirmative or negative recommendations in the General Area Survey and update judgments pertaining to the extent of discrimination in the sale and rental of housing and the availability on a nondiscriminatory basis of low- and moderate-income housing in or readily accessible to the delineated areas.

(b) Make recommendations to the Regional Director, PBS, as to those areas reviewed, with respect to the matters referenced in b(1)(a).

(2) In the absence of a current General Area Survey the HUD Regional Administrator will:

(a) Develop a survey of the delineated area similar to the General Area Survey described in 7a.

(b) Make recommendations to the Regional Director, PBS, as to those areas reviewed, with respect to the matters referenced in b(1)(a).

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c. Where specific sites are identified, the HUD Regional Administrator will examine them in the light of the General Area Survey and the transportation linkages between the specific sites and any housing deemed available.

(1) Public transportation. Public transportation should be available to the facility from any low- or moderate-income housing deemed nondiscriminatory on a scheduled basis providing arrival and departure conveniently close to the opening and closing of business. Travel time should not exceed the estimated travel time from housing for higher-income employees.

(2) Private transportation and parking. Where public transportation is unavailable, or does not meet the standard of c(1), travel time by automobile to the facility from any low- or moderate-income housing deemed nondiscriminatory should not exceed the estimated travel time from housing for higher-income employees. In addition, parking should be available and accessible to the facility for low- and moderate-income employees at a monthly cost not exceeding the average 8 hours' wage of low- and moderate-income employees at the facility.

d. The HUD Regional Administrator will transmit to the Regional Director, PBS, his evaluation of the sites being considered. In any case in which a proposed site is deemed inadequate on one or more grounds, i.e., supply of low- and moderate-income housing on a nondiscriminatory basis, nondiscrimination in the sale and rental of housing on the basis of race, color, religion, or national origin, or availability of transportation from housing to site, the HUD Regional Administrator shall include an outline of corrective actions which, in his judgment, will be required to overcome the inadequacies noted.

e. The Regional Director, PBS, shall promptly notify the HUD Regional Administrator after reaching a decision on the sites to be recommended for a facility and their priority. In the event any of the preferred sites are identified by HUD as inadequate on one or more of the grounds set forth in d, the HUD Regional Administrator shall so advise the Assistant Secretary for Equal Opportunity. The Assistant Secretary will notify the Commissioner, Public Buildings Service, GSA, of HUD's concerns within 5 workdays after notification to the HUD Regional Administrator and agree on the time required to properly present HUD's views.

f. GSA will provide a written explanation when, after Headquarters' review, a location is selected which HUD reported inadequate with respect to one or more of the grounds set forth in d, in accordance with the HUD-GSA Memorandum of Understanding.

g. Prior to the announcement of a site selected contrary to the recommendation of HUD, the involved Federal agency, GSA, HUD, and the community in which the proposed site is located will utilize the items indicated in the report of the HUD Regional Administrator as a basis for

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developing a written Affirmative Action Plan. The Affirmative Action Plan will ensure that an adequate supply of low-and-moderate-income housing will be available on a nondiscriminatory basis, and that there is adequate transportation from housing to the site, before the building or space is to be occupied or within a period of six months thereafter. Such a plan will also contain appropriate provisions designed affirmatively to further nondiscrimination in the sale and rental of housing on the basis of race, color, religion or national origin. The Affirmative Action Plan will be prepared in accordance with section 9(g) of the HUD-GSA Memorandum of Understanding, and will include, but not be limited to, the following points:

(1) The corrective actions specified by HUD under d;

(2) Assurance of the relocating agency that when the old and new facilities are within the same metropolitan area transportation will be provided for their low- and moderate-income employees between the old facility or other suitable location and the new facility at the beginning and end of the scheduled workday until sufficient new housing is built accessible to the new facility, as provided in the Affirmative Action Plan; and

(3) All agreements which constitute an Affirmative Action Plan will be set forth in writing and will be signed by the appropriate representatives of HUD, GSA, the Federal agency involved, community bodies and agencies, and other interests whose cooperation and/or participation will be necessary to fulfill the requirements of the plan.

h. The contents of the Affirmative Action Plan will be made public after the final site selection decision has been made by GSA.

i. The UD Regional Administrator shall be responsible for monitoring compliance with the written Affirmative Action Plan. In the event of non-compliance HUD and GSA shall undertake appropriate action to secure compliance.

9. Lease actions.

a. For lease actions where the regional office of GSA or the Office of Operating Programs is seeking to lease space meeting the tests set forth in 6c, the Regional Director, PBS, and the regional Assignment and Utilization (A&U) Branch shall be responsible for delineating the area for lease actions consistent with 41 CFR 101-18.102, so as to exert, to the greatest extent practicable, a positive economic and social influence on the development and redevelopment of areas in which such facilities are to be located. The area circumscribed thereby shall be sufficiently large to assure full and free participation by potential offerors. In determining this area, A&U shall consult with the agency to be housed, the Acquisition Branch, and the Operational Planning staff.

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b. Whenever an agency initiates a space request which will result in a lease action as defined in 6c, the GSA Regional Director, PBS, shall contact the HUD Regional Administrator in whose region the leased space is to be located and provide the following information if available:

(1) The number of low- and moderate-income jobs anticipated at the new or relocated facility when fully staffed; and

(2) The delineated area within which lease action is anticipated.

c. The HUD Regional Administrator, within 4 weeks, or such time period as may be mutually agreed upon with the Regional Director, PBS, will:

(1) Upon the existence of a current General Area Survey (see 7a) completed within the preceding 12 months;

(a) Review the delineated areas against affirmative or negative recommendations in the General Area Survey and update judgments pertaining to the extent of discrimination in the sale and rental of housing and the availability on a nondiscriminatory basis of low- and moderate-income housing in or readily accessible to the delineated areas; and

(b) Make recommendations to the Regional Director, PBS as to those areas reviewed, with respect to the matters referenced in 8b(1)(a).

(2) In the absence of a current General Area Survey the HUD Regional Administrator will:

(a) Develop a survey of the delineated area similar to the General Area Survey described in 7; and

(b) Make recommendation to the Regional Director, PBS, as to those areas reviewed, with respect to the matters referenced in 8b(1)(a).

d. Where specific sites are identified, the HUD Regional Administrator will examine them in the light of the General Area Survey and the transportation linkages between the specific sites and any housing deemed available

(1) Public Transportation. Public transportation should be available to the facility from any low- or moderate-income housing deemed nondiscriminatory on a scheduled basis providing arrival and departure conveniently close to the opening and closing of business. Travel time should not exceed the estimated travel time from housing for higher-income employees.

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(2) Private transportation and parking. Where public transportation is unavailable, or does not meet the standard of d(1), travel time by automobile to the facility from any low- or moderate-income housing deemed nondiscriminatory should not exceed the estimated travel time from housing for higher-income employees. In addition, parking should be available and accessible to the facility for low- and moderate-income employees at a monthly cost not exceeding the average eight hours' wage of low- and moderate-income employees at the facility.

e. The HUD Regional Administrator will transmit to the Regional Director, PBS, his evaluation of the delineated area. Where the delineated area (or sub-areas within it) is deemed inadequate on one or more grounds, i.e., supply of low- and moderate-income housing on a nondiscriminatory basis, nondiscrimination in the sale and rental of housing on the basis of race, color, religion, or national origin, or availability of transportation from housing to site, the HUD Regional Administrator shall include an outline of corrective actions which, in his judgment, will be required to overcome the inadequacies noted.

f. The Regional Director, PBS, shall promptly notify the HUD Regional Administrator after reaching a decision on the delineated area in which lease action will be undertaken. In the event that the area delineated (or sub-areas within it) is identified by HUD as inadequate on one or more of the grounds set forth in e, the HUD Regional Administrator shall advise the Assistant Secretary for Equal Opportunity. The Assistant Secretary will notify the Commissioner, Public Buildings Service, GSA, of HUD's concerns within 5 workdays after notification by GSA to the HUD Regional Administrator, and agree on the time required to properly present HUD's views.

g. GSA will provide a written explanation when, after Headquarters' review, GSA selects a delineated area which was wholly or in part reported by HUD as inadequate on one or more of the grounds set forth in e, in accordance with the HUD-GSA Memorandum of Understanding.

h. Prior to the award of a lease contract, where the entire delineated area is deemed inadequate by HUD, or the space to be leased is located within a sub-area deemed inadequate by HUD, the involved Federal agency, GSA, HUD, and the community in which the space to be leased is located will utilize the items indicated in the report of the HUD Regional Administrator as a basis for developing a written Affirmative Action Plan. The Affirmative Action Plan will ensure that an adequate supply of low- and moderate-income housing will be available on a nondiscriminatory basis, and that there is adequate transportation from housing to the site, before the building or space is to be occupied or within a period of six months thereafter. Such a plan will also contain appropriate provisions designed affirmatively to further nondiscrimination in the sale and rental of housing on the basis of race, color, religion or national origin. The Affirmative Action Plan will be prepared in accordance with section 9(g) of the HUD-GSA Memorandum of Understanding, and will include, but not be limited to, the following points:

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- (1) The corrective actions specified by HUD under d;
- (2) Assurance of the relocating agency that when the old and new facilities are within the same metropolitan area, transportation will be provided for their low- and moderate-income employees between the old facility or other suitable location and the new facility at the beginning and end of the scheduled workday until sufficient new housing is built accessible to the new facility, as provided in the Affirmative Action Plan; and
- (3) All agreements which constitute an Affirmative Action Plan will be set forth in writing and will be signed by the designated representatives of HUD, GSA, the Federal agency involved, the lessor, community bodies and agencies, and other interests whose cooperation and/or participation will be necessary to fulfill the requirements of the plan.
 - i. The contents of the Affirmative Action Plan will be made public after the final site selection decision has been made by GSA.
 - j. The HUD Regional Administrator shall be responsible for monitoring compliance with the written Affirmative Action Plan. In the event of noncompliance HUD and GSA shall undertake appropriate action to secure compliance.



A. F. SAMPSON
Commissioner, Public Buildings Service